

03-128

Frank Stilwell

RECEIVED

**From:** Jo Reese [Jo@anw.com]**Sent:** Tuesday, February 17, 2004 3:46 PM**To:** Clark, John F - WDC; Charlene Vaughn; Alan Downer; Bobeck, Ann; Javier Marques; Jay Keithley; John Fowler; NATHPO; schamu@sso.org; Valerie Hauser; Andrea Williams; Andrea Bruns; Bambi Kraus; Betsy Merritt; Frank Stilwell; Sheila Burns; Roger Sherman; gsmith@johnstondc.com; jmartin@usetinc.org; jfowler@erols.com**Subject:** RE: ACHP Identification Proposal following the 2/12 TWG Drafting Group meeting

Since I was on the phone and not in the room, I will defer to others on this point. But, my notes do not agree with yours on item #3 in paragraph seven (after the list of attendees) that starts, "The Group summarized the points of agreement" (there are seven numbered points). I do not think that the group agreed that "the method for considering direct effects should not change," since the frame of reference for this would be the June PA, and the final PA would have changes in it intended to address public comments as handled by those signing the PA.

For example, my notes indicate a statement that one of the ACHP reps said something akin to, 'The footprint must have a qualified professional, no question,' and elsewhere in my notes there was discussion that the full evaluation for the direct effects would be done--this was not in the June PA, for example, indicating that we did not know what the direct effects APE section would really have in it. I certainly did not. To address this, you could delete #3 in that paragraph.

Also, the date on the header needs to be modified.

I appreciate the amount of work involved in preparing this summary. I recognize that it is easier to edit than to create. Thank you for offering to entertain my review.

Jo  
ACRA

**From:** Clark, John F. - WDC [mailto:JFClark@perkinscoie.com]**Sent:** Tuesday, February 17, 2004 12:18 PM**To:** 'Charlene Vaughn'; Alan Downer; Bobeck, Ann; Javier Marques; Jay Keithley; John Fowler; NATHPO; 'schamu@sso.org'; Valerie Hauser; Andrea Williams; Andrea Bruns; Bambi Kraus; 'Betsy Merritt'; Frank Stilwell; Jo Reese; Sheila Burns; Roger Sherman; gsmith@johnstondc.com; jmartin@usetinc.org; jfowler@erols.com**Cc:** Andy Lachance (E-mail); Ben G. Almond (E-mail); Connie Durcsak (E-mail); David Jatlow (E-mail); H. Anthony Lehv (E-mail); Harold Salters (E-mail); Tony Russo (E-mail)**Subject:** RE: ACHP Identification Proposal following the 2/12 TWG Drafting Group meeting

Hello everyone

Attached is a proposed draft of an ex parte notice for the meeting of the TWG Drafting Committee last Thursday, February, 12, 2004.

Please review this and get back to me with your comments. We are required to file this today.

Thanks.

John

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2/20/2004

-----Original Message-----

**From:** Charlene Vaughn [mailto:cvaughn@achp.gov]

**Sent:** Friday, February 13, 2004 6:15 PM

**To:** Alan Downer; Bobeck, Ann; Clark, John F. - WDC; Javier Marques; Jay Keithley; John Fowler; NATHPO; 'schamu@sso.org'; Valerie Hauser; Andrea Williams; Andrea Bruns; Bambi Kraus; 'Betsy Merritt'; Frank Stillwell; Jo Reese; Sheila Burns; Roger Sherman; gsmith@johnstondc.com; jmartin@usetinc.org; jfowler@erols.com

**Subject:** ACHP Identification Proposal following the 2/12 TWG Drafting Group meeting

Hello Drafting Committee:

I hope that this e-mail is waiting for you on Tuesday morning and that you have had a wonderful weekend.

The teleconference call-in information is as follows:

Date:	Tuesday, February 17, 2004
Time:	11. 00 a.m. until 12:30 p.m. (est)
Dial-in number:	888-387-8686
Access No	7120435, then press #

In preparation for the teleconference, I am attaching the ACHP's revised language for *Section IV, Identification and Evaluation*, of the draft FCC Nationwide Programmatic Agreement. While we were unable to reach agreement regarding all aspects of the changes needed to streamline the identification process during Thursday's meeting, I believe that we made significant progress in certain areas. Building upon the points of agreement, John Fowler, Valerie Hauser and I prepared revised language that achieves the following goals

- 1 Eliminates the need for surveys for visual effects.
2. Allows applicant to use their discretion regarding the use of qualified professionals when preparing the list of historic properties for visual effects.
- 3 Limits the sources to be considered when identifying historic properties within the area of potential effect for visual effects
4. Clarifies the role of Indian tribes and Native Hawaiian organizations in the identification process for visual effects if they agree to consult with applicants.
- 5 Allows the SHPO/THPO to add properties to the list of identified properties for visual effects when such properties are a) located within the area of potential effect, b) included in the SHPO inventory, and c) meet the National Register criteria.
6. Allows the ACHP to have a role in the resolution of disputes regarding identification and evaluation

There are obviously other issues that require further negotiation. However, we are hopeful that at the outset of Tuesday's teleconference such issues can be identified and the major concerns clearly articulated. Since we only have until **Thursday, February 19th** to finalize the language that will be submitted to FCC, we would like all parties to be given the opportunity to share their comments and suggest changes that advance the overall goal of improving the eligibility process for telecommunications activities.

Thanks for all the hard work you have put into this task. It has been quite challenging. Nonetheless, I hope that at the end of this process we can all see the benefits of our

collaboration.

Charlene